

APPENDIX

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**E**

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FEMA ENVIRONMENTAL DESK REFERENCE

## Appendix E

### **The CATEX Document Format**

#### **1. A good description of the action**

The description does not have to be detailed but should not have all the elements of the project identified and provide a good sense of size and location. Actual dimensions of area, length, volume, etc. should be used where possible. Somewhere in the description or title block the program, disaster, state, region and date should appear. A description of the damage caused by the disaster or the purpose and need for the project can be included to put the description of the action in context. The cost of the project is not necessary but is sometimes useful to understand the magnitude of the action.

#### **2. A statement citing the CATEX or CATEXs for which the action qualifies.**

All that is needed is the simple statement such as “The above action has been found to qualify for the categorical exclusion defined in 44 CFR 10.8 (d(2)(??) regarding (include a short paraphrase of the CATEX or the part of the CATEX that applies to the action) and, therefore no environmental assessment or environmental impact statement will be prepared.”

#### **3. A statement indicating that no extraordinary circumstances exist that would override the CATEX.**

An essential element of CATEX documentation is to provide assurances that there are no extraordinary circumstances that would override the CATEX. For a simple project where there may be little possibility of extraordinary circumstances, a statement indicating “after review of the project and its environment it was determined that no extraordinary circumstances as defined in 44 CFR 10.8(d)(3) exist regarding this action.” If the project is more complex or there are elements of the project that might raise questions of potential extraordinary circumstances, then there is a need for greater discussion of the potential conflict and the rationale why it is not a problem. Referencing clearance letters from other Federal agencies would be done here. Unless it is clear that all extraordinary circumstances have been considered and that those identified have been dealt with, there is the possibility that the CATEX could be challenged. Thus, the presence of a clear administrative record in the file documenting consideration of any potential extraordinary circumstances is essential to support the CATEX decision. The content of the “back-up” administrative record behind the CATEX should be viewed from the perspective of what facts, explanations, letters, and data would be needed if someone entirely unfamiliar with the project has to explain why FEMA made a particular decision regarding NEPA compliance or a potential circumstance FEMA may have dismissed.

**4. A statement that the other Federal environmental statutes and Executive Orders have been addressed.**

This element in many ways is an extension of the third element in that several of the extraordinary circumstances deal with issues that are also addressed in other Federal statutes and Executive Orders such as wetlands, endangered species, historic and cultural resources, etc. If not already addressed in element 3, compliance with the requirements of Executive Orders 11988, 11990, and 12898 on floodplains, wetlands, and environmental justice and other Federal statutes covering endangered species, historic preservation, and hazardous materials must be addressed where potentially applicable. Again referencing clearance letters, permits or telephone contacts for these areas would be appropriate.

Generally CATEX documentation should be able to fit on a one or two pages. When the finished document is signed by the Regional Director and made part of the official regional files the NEPA process is completed and funds can be disbursed. Headquarters is not formally involved in determining CATEX eligibility, other than to answer questions on interpretation and anticipate the need for future changes to the categories. To this end, regional program offices are requested to submit copies of their CATEX documentation to the Environmental Officer on a periodic basis, at a minimum of once a quarter.